

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: GLENN E. KARTA
ROTHWELL, FIGG, ERNST & KURZ
555 13TH STREET N.W., SUITE 701 EAST
COLUMBIA SQUARE
WASHINGTON, DC 20004

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 2065-139.PCT	Date of Mailing <i>(day/month/year)</i> <div style="text-align: right; font-size: 1.2em;">08 FEB 2000</div>
International application No. PCT/US99/26480	International filing date <i>(day/month/year)</i> <div style="text-align: right;">10 NOVEMBER 1999</div>
Applicant UNIVERSITY OF MARYLAND, BALTIMORE	

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.
Filing of amendments and statement under Article 19:
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the international search report; however, for more details, see the notes on the accompanying sheet.

 Where? Directly to the International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland
 Facsimile No.: (41-22) 740.14.35

 For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:


☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in rules 90 bis 1 and 90 bis 3, respectively, before the completion of the technical preparations for international publication.

 Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

 Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer <div style="text-align: center;">GAILENE R. GABEL</div> <div style="text-align: right; font-size: 1.5em;">  </div> Telephone No. (703) 308-0196
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

19 SEP 2000

WIPO

15

Applicant's or agent's file reference 2542-139	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/26480	International filing date (day/month/year) 10 NOVEMBER 1999	Priority date (day/month/year) 11 NOVEMBER 1998
International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet.		
Applicant UNIVERSITY OF MARYLAND, BALTIMORE		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>4</u> sheets. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>0</u> sheets.
3.	This report contains indications relating to the following items: <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step or industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 06 JUNE 2000	Date of completion of this report 24 AUGUST 2000
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer <u>Jayne Budgers</u> GAILENE R. GABEL Telephone No. (703) 308-0196

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/26480

I. Basis of the report**1. With regard to the elements of the international application:***☒ the international application as originally filed☒ the description:pages 1-37 , as originally filedpages NONE , filed with the demandpages NONE , filed with the letter of _____☒ the claims:pages 38-40 , as originally filedpages NONE , as amended (together with any statement) under Article 19pages NONE , filed with the demandpages NONE , filed with the letter of _____☒ the drawings:pages 1-26 , as originally filedpages NONE , filed with the demandpages NONE , filed with the letter of _____☒ the sequence listing part of the description:pages NONE , as originally filedpages NONE , filed with the demandpages NONE , filed with the letter of _____**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.**4. ☒ The amendments have resulted in the cancellation of:**☒ the description, pages NONE☒ the claims, Nos. NONE☒ the drawings, sheets/fig NONE**5. ☒ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).****

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/26480

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

Novelty (N)

Claims 1-14 YESClaims NONE NO

Inventive Step (IS)

Claims 1-14 YESClaims NONE NO

Industrial Applicability (IA)

Claims 1-14 YESClaims NONE NO**2. citations and explanations (Rule 70.7)**

Claims 1-14 meet the criteria set out in PCT Article 33(2)-(4), because the prior art made of record does not teach or fairly suggest a method of determining the concentration of analyte by exposing a fluorescent reference molecule and a fluorescent sensing molecule to radiation in order to obtain a fluorescence measure of anisotropy (first level) then further exposing the sensing molecule to an analyte whose presence causes a change in intensity of fluorescence emitted by the sensing molecule after which a combined fluorescence measure of anisotropy by reference and sensing molecule after exposure with analyte (second level) is measured, allowing subsequent correlation of the change in anisotropy level between second and first level; the change therebetween correlates with the presence or concentration of said analyte.

----- NEW CITATIONS -----
NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/26480

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

CLASSIFICATION:

The International Patent Classification (IPC) and/or the National classification are as listed below:
IPC(7): G01N 33/53, 33/533, 33/536, 33/567; C12Q 1/00 and US Cl.: 435/4, 7.1, 7.21, 7.5, 7.93, 968; 436/63, 172, 518, 536, 537, 546, 164, 172; 422/ 82.07, 82.08, 82.09; 356/39; 250/200, 338.1, 459.1

I. BASIS OF REPORT:

5. (Some) amendments are considered to go beyond the disclosure as filed:
NONE